IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

-

WRIT PETITION NO : 15343 of 2005

Between:

1 Nimmada Prasad, and another

..... PETITIONERS

AND

1 The Government of Andhra Pradesh,

Department of Industries and Commerce (M.II)

Secretariat Buildings, Hyderabad,

rep by Secrtary, and 3 others.

.....RESPONDENTS

ORDER: **(Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)**

This writ petition has been filed in public interest by two persons, who claim to represent thousands of people. It is submitted that an Anorthosite-Gabbro body of the Chimakurthy area, which is popularly known as 'Galaxy Granite', is being extracted from the site. This is a variety, which is well known

through out the world, and because of its texture and look, it has market nationally and internationally. It is further submitted that 30,000 families are dependent on mining related activities, and Government decided to stop the mining activity and use the area for the purpose of construction of a Balancing Reservoir. The prayer in the writ petition is made that the Government should be stopped from construction of the Reservoir.

Counters have been filed by respondents 1, 3 and 4.

Respondents 1 and 3 have filed a common counter, in which it is submitted that the lease of the area was given to Messrs Central Granite in the year 1998 but they did not extract any mineral from that area from 1998.

Respondent No.4 in his counter has stated that there was a long demand of people in the area for construction of a Reservoir because of scarcity of water and thousands and thousands of people needed water, and after survey was conducted by a specially appointed Committee, it was found that although the lease for the area, in which the Reservoir is being constructed for mining, had been given number of years before, but no extraction was done by the contractors. They left the land taken, for years even after obtaining the permits, because the quality of the mineral in this area was not good, and even the contractors did not find it profitable to extract the mineral from such area. After the report of the Committee was obtained, the mining authorities cancelled the lease agreements in the area with those persons, with whom it had the lease agreements. The project has already been initiated, and the cost of the project is around 43 Crores, and once it is completed, it will solve the drinking water problem of 56 villages including Ongole town. It is further submitted that a writ petition was filed with similar relief, by one Sri K.V.Narayana Reddy, being W.P.No.16687 of 2004, which was dismissed by this Court. Two mining companies, with respect to whom the mining lease was cancelled, also approached this Court through W.P.Nos.24886 and 24955 of 2004. Both these writ petitions have already been dismissed.

There is no factual basis to come to a conclusion that 30,000 families suffer because of construction of the Reservoir. The Government has categorically stated that no mining activity at all was ever started in the area, and on the other hand, the petitioners have not placed anything on record to suggest that even a single person was engaged in mining activity in the area. Since the respondents, on the basis of opinion of the experts, came to the conclusion that the mineral which was available in the area was not very good, and even the contractor had not extracted it even after getting the permit, and the respondents also came to the conclusion that the supply of water to 56 villages was more important than keeping the site idle, we do not find there is any ground for us to interfere in the matter. Besides, three writ petitions for same cause of action have already been dismissed by this Court.

Therefore, we do not find any merit in this writ petition, which is, accordingly, dismissed. No costs.

(Bilal Nazki, A.C.J)

5th October, 2005

(R.Subhash Reddy, J)

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